



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

April 24, 2000

4APT-ARB

Howard L. Rhodes, Director
Department of Environmental Protection
Division of Air Resources Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit No. 0510001-001-AV
Savannah Foods & Industries Corp - Everglades Sugar Refinery

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for the Everglades Sugar Refinery facility in Clewiston, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on March 9, 2000. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(i). Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Operating Source Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Elizabeth Bartlett, Florida Title V Contact, at (404) 562-9122 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Kim Griffen, Savannah Foods & Industries
Scott Sheplak, P.E., FDEP via E-Mail
Arthur E. Lyall, FDEP - South District via E-Mail

Enclosure

U.S. EPA Region 4 Objection Proposed Part 70 Operating Permit Everglades Sugar Refinery Permit no. 0510001-001-AV

I. EPA Objection Issues

1. Periodic Monitoring - Section III, Conditions A.10, A.12, B.9, and C.8 require record keeping for quantities of fuels burned to support compliance with SO₂ and particulate matter emission limits, but the frequency is not specified. Please specify monitoring frequencies which are sufficient to ensure that the periodic monitoring requirements of 40 C.F.R. 70.6(a)(3) and 62-213.440(1)(b), F.A.C. are adequately addressed. Also note that the wording is unclear at the end of conditions A.10, B.9, and C.8. While EPA understands that the intent is to require fuel samples upon receipt of each new fuel shipment, these conditions appear to only require such sampling from the fuel storage tanks in the case of on-site blending.
2. Practical Enforceability - Section III, condition A.11. requires parametric monitoring of the scrubber to assist in demonstrating compliance with the particulate matter emission limit for the bone char kiln. While this condition requires that the instrumentation be functional at all times, this condition is not meaningful unless there is a similar condition for the scrubber to be operational. Furthermore, in order for this condition to be enforceable as a practical matter, a correlation should be developed between the control equipment parameter(s) to be monitored and particulate emission levels. The source must provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range must be specified in the permit. Also, the permit must include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for any monitoring.
3. Periodic Monitoring and Compliance Testing: The permit does not require sufficient periodic monitoring to ensure compliance with the applicable particulate matter condition. Condition B.5 specifies that the main boiler shall operated and maintained to minimize particulate matter emissions based on best available control technology. However, the permittee cannot certify compliance with this condition on an annual basis without some type of periodic monitoring. Since the main boiler is uncontrolled for PM emissions, particulate matter may be

addressed by monitoring parameters associated with good combustion practices such as oxygen, residence time, and temperature.

4. Appropriate Averaging Times - The emission limits in conditions A.4.2, A.5, B.4, B.4.1.1, C.4, D.4.2, D.5 and D.5.1 do not contain averaging times. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.

II General Comments

1. Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section II, Condition 12. - 40 C.F.R. Part 70.6 (c)(5)(iii) lists the necessary components of a Title V compliance certification, and requires that those components be included in Title V permits. However, Facility-Wide Condition # 12 of this permit does not specify that the source submit compliance certifications to EPA that contain those required components. This portion of the permit should specifically state that the source is required to submit compliance certifications consisting of the required components. Further, those required components should be listed in the permit.

In this case the list from 40 C.F.R. Part 70.6 (c)(5)(iii) is contained at Appendix TV-3. While it is sufficient to include the list in an Appendix to the permit, the required compliance certification components should at least be mentioned in the permit at the condition requiring the source to submit a Title V compliance certification to EPA. This will allow the requirement to be clear and enforceable. Therefore, Facility-Wide Condition # 12 of the permit should mention the required components listed at 40 C.F.R. Part 70.6 (c)(5)(iii) and reference the list contained at Appendix TV-3.

3. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an order on industry's challenge to the validity of portions of EPA's periodic monitoring guidance. The Court found that "State permitting authorities may not, on the basis of EPA's guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no

frequency, or requires only a one-time test.” While the permit contains testing from “time to time”, as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. Although a mandate has not been issued in the court case, EPA is withholding formal objection on these items.

- a. Visible Emissions: Condition E.3 of the permit requires that Method 9 tests be conducted annually to monitor visible emission limits from conditions A.5, B.4, C.4, and D.5. In most cases, this approach does not constitute adequate periodic monitoring to ensure continuous compliance with the visible emissions standard. The permit should require that the source conduct visible emissions observations on a daily basis or a technical demonstration should be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing. The demonstration should identify the rationale for basing the compliance certification on data from a short-term test performed once per year. The EPA does not believe that reliance upon such limited data is a sufficient basis for a compliance certification to demonstrate continuous compliance with the visible emissions standard.

Regarding condition D.5.1 of the permit, annual Method 9 tests will not provide adequate assurance that the hammer mill baghouse is operating properly. Additionally, we believe that routine inspection of the baghouse and parametric testing, such as pressure drop measurements, should also be included as permit conditions. The statement of basis should contain a description of the frequency of inspections and should explain any parametric monitoring or justify why no parametric monitoring is required for this unit.

- b. Particulate Matter: Condition E.3 requires the facility to conduct an annual Method 5 test for particulate to ensure compliance with condition D.4. In most cases, testing once per year is not sufficient to provide reasonable assurance of compliance with the particulate matter emission limits. 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit’s performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. To resolve this deficiency, additional periodic monitoring must be conducted or the statement of basis must contain a justification of why annual monitoring is sufficient to ensure compliance.